

Section 7 - Cultural Resources (Archaeological) Awareness Guidelines

Cultural Resources

Cultural resources are evidence of past human activity. Cultural resources typically include archaeological and historic remains. Archaeological sites on state lands are protected under the **Alaska Historic Preservation Act** (Alaska Statute 41.35) which **affords protection to historic, prehistoric (including paleontological [fossil-bearing] deposits), and archaeological resources situated on state owned or controlled lands**, including tidelands and submerged lands. Archaeological sites on federal lands and some Indian lands are afforded protection under the **Archaeological Resources Protection Act of 1979** (Public Law 96-95). The **National Historic Preservation Act** (16 U.S.C. 470a) recognized the importance of cultural resources and required federal agencies to consider the effects of their actions on the cultural resources, consult with the **State Historic Preservation Officer (SHPO)** on the effects, and seek comments from an independent federal reviewing agency, the Advisory Council on Historic Preservation. The SHPO has the responsibility to see that these concerns are addressed.

- **What are Archaeological Remains - Historic or Prehistoric?**

Historic, prehistoric, and archaeological resources include deposits, structures, ruins, sites, buildings, graves, artifacts, fossils, or other objects of antiquity which provide information pertaining to the historic or prehistoric culture of people in the site as well as the natural history of the state. Generally, to be considered historic,

the objects, cabin, etc. must be older than 50 years unless they have exceptional significance in the history on the local, state, or national level.

Some definitions of historic, prehistoric, and/or archaeological remains are:

- (1) **Sites:** places where people lived, worked, or camped.
- (2) **Deposits:** such as middens which are accumulations of refuse (garbage dumps) in and around a dwelling place, typically consist of shell fragments, fish bones, animal bones, charcoal, broken tools, fire-cracked rocks (broken rocks usually reddish from burning).
- (3) **Structures, ruins, and buildings:** are such things as cabins, cabin foundations, semi-subterranean house pits or cache pits (regularly shaped depressions).
- (4) **Graves:** may be native or non-native. This would include scattered human skeletal remains.
- (5) **Artifacts:** typically consists of tools and household items (made of wood bone, ivory, stone and/or metal), art objects, pottery (including native made) anything deliberately made by humans..
- (6) **Fossils:** any remains, impressions or trace of an animal or plant that was once buried and may now look rock-like.
- (7) **Rock art:** petroglyphs.

- **What to do when Cultural Remains are Found**

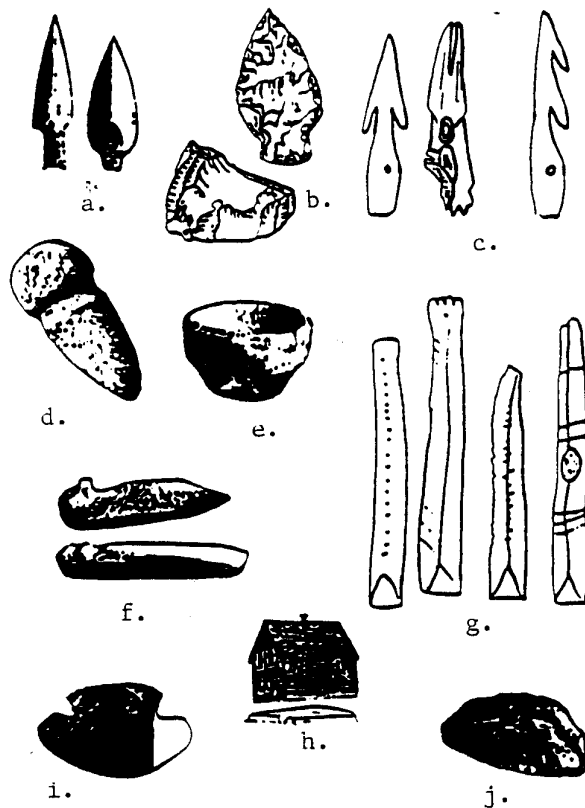
You should not disturb historic or prehistoric cultural material unless the material is in immediate danger of destruction. You should take the following steps:

1. **Avoid further disturbance** of the artifact or site;
2. If possible, **photograph** the artifact (exactly where it was found) or site;
3. **Accurately locate** the site or artifact relative to an obvious nearby landmark. You will be asked to describe (including size and shape) the artifact(s) and/or site.

Look around and see if it is an isolated artifact, if not are there lots of artifacts scattered around. If it is a site determine how many and what kinds of features (i.e. depressions, etc.) are present.

Remember, collection of artifacts without a permit may result in both criminal and civil charges.

4. **Notify** the appropriate landowner, and the Office of History and Archaeology, ADNR (Anchorage (907)269-8721).



- a. ground stone points
- b. chipped stone tools
- c. bone points/harpoons
- d. packed and ground pestle
- e. stone bowls
- f. ground stone
- g. wooden artifacts
- h. historic cabin with stylized foundation remains below
- i. ulu - grinding on cutting edge: right side missing
- j. ulu - chipped stone

- **What are Unauthorized Collection and Destruction of Cultural Resources?**

Unauthorized collection and destruction of cultural resources are addressed by state legislation in the **Alaska Historic Preservation Act** (A.S. 41.35) and by federal legislation in the **Archeological Resources Protection Act** (P.L. 96-95).

1. **Protection for cultural resources** found on **state land** is provided by **Alaska Statute 41.35.200**, which states that:

(a) It is unlawful for a person to appropriate, excavate, remove, injure, or destroy, without a permit from the commissioner [of the Department of Natural Resources], any historic, prehistoric or archaeological resources of the state.

(b) It is unlawful for a person to possess, sell, buy, or transport within the state, or offer to sell, buy, or transport within the state, historic, prehistoric, or archaeological resources taken or acquired in violation of this section or 16 U.S.C.433.

(c) It is unlawful for a person to destroy, mutilate, deface, injure, remove, or excavate a gravesite or tomb, monument, gravestone, or other structures or object at a gravesite, even though the gravesite appears to be abandoned, lost, or neglected.

(d) An historic, prehistoric, or archaeological resource which is taken in violation of this section shall be seized by any person designated in sec. 220 of this chapter whenever found and at any time. Objects seized may be deposited as the commissioner determines by deposit in the proper public depository.

2. **Protection for cultural resources** found on **federal land** is provided by **Public Law 96-95**, which states that:

Sec. 6. (a) No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located

on public lands or Indian lands (lands of Indians tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States) unless such activity is pursuant to a permit...

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of -

(1) the prohibition contained in subsection (a), or

(2) any provision, rule, regulation, ordinance, or permit in effect under any provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c), of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both.

Unauthorized collection and destruction of cultural resources are the removal of any prehistoric (including paleontological [fossil-bearing] deposits), historic and/or archaeological resources from lands owned or controlled by the Federal Government or the State of Alaska without a permit for that purpose.

The **unauthorized collection (removal) or destruction** of these prehistoric, historic, and/or archaeological resources on lands owned or

controlled by the Federal Government or the State of Alaska are a serious matter which **carries both criminal and civil penalties.**

- **What Could Happen If You Were Caught Illegally Collecting Cultural Resources**

Be aware that an **incident report** may be filed with the law enforcement authorities requesting prosecution under the **Archaeological Resources Protection Act** and **Alaska Historic Preservation Act.**

- **Criminal Penalties**

A person found guilty of such an act is guilty of a Federal **felony** or a State **Class A misdemeanor.**

- **Civil Penalties**

In addition to other penalties and remedies provided by law, a guilty person is subject to a **fine and equipment forfeiture** (i.e., the federal government can confiscate boats, aircrafts, or other vehicles and equipment used in the commission of a crime) under federal regulations and a maximum civil penalty of **\$100,000 fine for each violation** under state regulations.

The above information was provided by the Office of History and Archaeology, Alaska Division of Parks and Outdoor Recreation, Alaska Department of Natural Resources.